

RESTORATION OF VOTING RIGHTS

FAQs –May 29, 2013

1. What exactly does today's announcement by Governor McDonnell do?

Today's announcement means that all people convicted of a non-violent felony, as defined by the Governor, will have their civil rights automatically restored by the Governor on an individualized basis as long as they have met the criteria below:

- Have been convicted of a felony in a Virginia court, or if convicted in a U.S. District Court, military court or a court of another state or territory, be a resident of Virginia
- Have completed serving the prison sentence and been released from probation or parole; and
- Have paid all court costs, fines to the Commonwealth and restitution to the victims, satisfied all court-ordered conditions, and have no pending felony charges.

2. Why is this significant?

Prior to this announcement, Virginia was one of only a few states that required that a felon petition the Governor for the restoration of civil rights.

3. What else has the Governor done on restoration of voting rights?

In May of 2010, the Governor instituted the fastest and fairest system in Virginia's history, by establishing a self-imposed deadline of a 60-day decision turnaround on restoration of rights applications. Before the McDonnell administration, decisions often took a year or longer. To date Governor McDonnell has restored rights of 4,843 individuals, more than any other administration in history.

4. Why did Governor McDonnell decide to enact the automatic restoration of civil rights?

- Governor McDonnell believes America is a nation of second chances. All who have made mistakes, fully paid their debt to society and want to be restored to full civic participation should have that opportunity.
- Governor McDonnell believes that a person who is a non-violent felon, and has served his time and fully satisfied all court fees, fines, restitution, and other court-ordered conditions, should be able to regain their constitutional and civil rights and resume their life as a fully participating member of society.
- Governor McDonnell also believes that it is a mark of good government to restore constitutional rights to non-violent felons to provide the opportunity to succeed and become law-abiding citizens again. Having more law-abiding, productive citizens results in lower prison and jail-related costs, but more importantly, , there will be fewer future victims.

5. I am a non-violent felon who meets the Governor's new criteria – were my rights automatically restored by the Governor on May 29?

No – this is not a blanket restoration. The Governor made his announcement on May 29 that he is transitioning from an application based system to an individualized automatic system for non-violent felons. That process will not be in place and announced until July 15.

6. What crimes are considered non-violent felonies?

A list of crimes that the McDonnell administration has considered non-violent felonies since May 2010 can be found on the Secretary of the Commonwealth's website. While we anticipate that the list of non-violent felonies will remain very similar to the current standard, these will be reviewed and changes made at the Governor's discretion as part of the review process before July 15th. <http://www.commonwealth.virginia.gov/JudicialSystem/Clemency/restoration.cfm>

7. Will the Secretary of the Commonwealth's Office continue to accept non-violent applications through July 15th?

We are encouraging those who believe they qualify for automatic restoration to wait until July 15, when the new process and plan is formally announced by the Governor's Office.

8. Why is there an official enactment date of July 15th?

There are significant logistical challenges involving the transition from an application-based system to an automatic system. Secretary Kelly has worked closely with many stakeholders on this issue during the Administration, and we want to include them in developing the appropriate administrative procedures. During this time, we will process pending applications under the new criteria.

9. Can I file my request for automatic restoration now?

We are encouraging those who believe they qualify for automatic restoration to wait until July 15, when the new process and plan is formally announced by the Governor's Office.

10. Does the Governor's Office have a list of all non-violent felons in Virginia who qualify for automatic rights restoration?

Unfortunately, there is not a single database or list of non-violent felons in Virginia who may qualify for automatic restoration. The Secretary of the Commonwealth's Office is working between now and July 15 to develop the appropriate procedures in which to identify those who may be eligible for automatic restoration.

11. Will I have my letter and grant order showing my rights were restored on July 15?

If you were convicted of a non-violent felony and submitted a 2 year application prior to May 29, the Secretary of the Commonwealth's Office will be working diligently during the transition period to mail out grant orders as quickly as possible. We will have additional information on July 15 for those non-violent felons who want to request to have their rights restored.

12. Will I have my rights restored in order to register to vote by October 15?

There are estimates that at least 100,000 people will be impacted by this new change in the restoration of rights process. Once the new process is announced on July 15, the Secretary of the Commonwealth's Office will be working as quickly as possible to grant rights restoration to as many felons as possible.

13. Can I register to vote now that the Governor has announced automatic restoration for non-violent felons?

No. You must receive your letter and grant order from the Governor's Office which will show your date of restoration before you file a voter registration application.

14. Is there a list I can put my name on to get updates on the new automatic restoration process which starts on July 15?

Yes. You may call our Restoration of Rights division at 804.786.2441 and they will take down your contact information. Also, please be checking our website for future updates:

www.commonwealth/virginia.gov/ror

15. Are felons in different circumstances going to be treated differently?

The criteria and result (automatic and individualized restoration) for all non-violent felons will be exactly the same. However, the approach for some felons will differ depending on where they are in their sentence. For purposes of administering the automatic system, it helps to view felons in four categories: past, present, future and miscellaneous.

- The present category includes those who have already submitted a petition to the Governor and are awaiting a decision, those who have previously applied and been denied, and those whose applications have been determined incomplete.
- The future category includes all of those who are currently incarcerated for a non-violent felony offense in state prisons.
- The past category includes those who have completed their incarceration, probation, parole and have fully satisfied all of their court fees, fines, restitution and other court-ordered conditions, but have not applied for their restoration of civil rights.
- The miscellaneous category includes felons who are or were incarcerated in federal prison, a local jail or are otherwise not in the state Department of Corrections system.

16. What are the unique challenges affiliated with each of these categories?

- Present: This category is the simplest to transition because we have a recent address and permission to run a criminal background check.
- Future: This category is also relatively simple because we know their whereabouts and will have an address when they are released.
- Past: This category is the most challenging. There is no comprehensive database of people who have been convicted of a felony in the Commonwealth. We do not have a fool-proof way of knowing where all these individuals reside or how to contact them.

- Miscellaneous: This category is also challenging because we do not have a comprehensive list of felons who have been incarcerated on the federal or local levels.

17. How do you expect to address these challenges?

We are confident that we can develop workable solutions to these challenges and plan to formulate them with the stakeholder groups over the next 45 days.

18. Did the Governor make any changes to the way violent felons' rights are granted?

No, the automatic process applies only to non-violent felons.

19. If I have my rights restored by the Governor, does that remove my conviction(s) from my criminal record?

No. Restoration of rights does not remove or expunge a conviction(s) from an individual's record. Pursuant to Virginia Code, 19.2-392.1 and 19.2-392.2, there are only certain instances when a criminal conviction may be removed from an individual's record.

20. Does restoration of rights give me my firearm rights back?

No. Restoration of rights does not restore the right to possess a firearm. You must petition the appropriate circuit court pursuant to Virginia Code 18.2-308.2.

21. The Attorney Generals' Advisory Committee report says that "The Governor cannot institute by executive order an automatic, self-executing restoration of rights of all convicted felons in the Commonwealth of Virginia." Isn't that what you're doing here?

- This is not a blanket restoration of rights for every convicted felon. I am instructing my administration on the criteria to be used and against which each person's individual record will be compared.
- This is also not self-executing because someone in the Executive Branch will check each record against the criteria, and an Order will be issued only for those people who meet the criteria.

22. Will you be adding any more staff to the ROR staff to handle what will likely be a significant increase in workload?

Yes, the SOC budget allows for the hire of 4 employees above the current 2 full-time staffers. If additional staff is needed due to a significant increase in work, we will reevaluate staffing needs.